



Serial No.: 09/893,314  
Docket No.: 506422.0047

1762

Jfw

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors : Phillip B. Blankenship et al.  
Serial No. : 09/893,314  
Filing Date : June 27, 2001  
Title : METHOD FOR SELECTING AN ASPHALT  
MIXTURE FOR MAKING AN INTERLAYER AND  
METHOD OF MAKING AN INTERLAYER  
Group/Art Unit : 1762  
Examiner : Eric B. Fuller  
Confirmation No. : 2106  
Docket No. : 506422.0047

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Sir:

In response to the Office Action dated July 12, 2004, please amend the above-identified application as follows:

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper. Please charge \$86 fee for an additional independent claim to Deposit Account No. 19-4409.

**Remarks** begin on page 8 of this paper.

*fee processed*

**Certificate of Mailing Under 37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: September 1, 2004

Signature: Jessica V. Barnard

Printed Name: Jessica V. Barnard

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

Conclusions

In view of the foregoing amendments and remarks, it is respectfully submitted that the claims now presented are patentable over the prior art of record and therefore in condition for allowance and eventual issuance. Such action is respectfully requested. Should the Examiner have any further questions or comments which need be addressed in order to obtain allowance, please contact the undersigned attorney at the number listed below.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-4409.

Acknowledgement of receipt is respectfully requested.

Respectfully submitted,

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